

REMARKS

This is in response to the Office Action mailed on January 3, 2008 in which claims 1-10 and 63-66 were rejected. With this Amendment, claims 1-10 and 63-66 are amended and new claim 67 is added. All amendments and new claim 67 are fully supported by the specification and drawings. No new matter is added. Claims 1-10, 32-41, 54, 55, 59, 60, and 63-67 are pending in this application and claims 32-41, 54, 55, 59, and 60 are withdrawn without prejudice. In view of the foregoing amendments and following remarks, Applicant respectfully requests advancement of this application to allowance.

Rejections Under 35 U.S.C. § 102

In the Office Action, claims 1-10, and 63-66 were rejected under 35 U.S.C. 102(b) as being anticipated by Ayres (U.S. Patent No. 3,906,932). The rejection is respectfully traversed. However, in an effort to advance this application to allowance, claims 1-10 and 63-66 are amended. New claim 67 is added. Amendments and new claim 67 are supported by the original application as filed (see, for example, page 2 and page 10 of the specification).

i. Claim 1

Claim 1 recites a lancet device comprising: (a) a lancet including a seamless unitary member which is hollowed along at least a portion of its length, the unitary member including a first end and a second end, wherein the first end of the unitary member is shaped to include first and second sharpened tips; and (b) a lancet holder arranged and configured to hold the lancet and move the lancet to penetrate the skin of a patient.

Ayres fails to disclose a lancet device comprising a lancet holder arranged and configured to hold the lancet and move the lancet to penetrate the skin of a patient, as recited in claim 1. Rather, Ayres describes “a needle point particularly suited for insertion through a container stopper that is not deflected to one side during penetration of the stopper.” (Ayres, Abstract.) Ayres does not describe a lancet holder arranged and configured to hold a lancet. Ayres also does not describe a lancet holder arranged and configured to move the lancet holder to penetrate the skin of a patient. Therefore, withdrawal of the rejection of claim 1 under 35 U.S.C. § 102(b) is requested.

ii. Claim 3

Claim 3 recites a lancet device comprising: a lancet including a unitary member which is hollowed along at least a portion of its length, the unitary member including a first end and a second end, wherein the first end of the unitary member includes first and second ground surfaces which at least partially define first and second sharpened tips; and a lancet holder arranged and configured to hold the lancet and move the lancet to penetrate the skin of a patient.

Ayres fails to disclose a lancet device comprising a lancet holder arranged and configured to hold the lancet and move the lancet to penetrate the skin of a patient, as recited in claim 3. Rather, Ayres describes “a needle point particularly suited for insertion through a container stopper that is not deflected to one side during penetration of the stopper.” (Ayres, Abstract.) Ayres does not describe a lancet holder arranged and configured to hold a lancet. Ayres also does not describe a lancet holder arranged and configured to move the lancet holder to penetrate the skin of a patient. Therefore, the rejection of claim 3 under 35 U.S.C. § 102(b) should be withdrawn.

iii. Claim 63

Claim 63 recites a lancet device comprising: a lancet including a hollow unitary member having an outer wall, a first end, a second end and a length therebetween, wherein the outer wall defines a first tip and a second tip at the first end; and a lancet holder arranged and configured to hold the lancet and move the lancet to penetrate the skin of a patient.

Ayres fails to disclose a lancet device comprising a lancet holder arranged and configured to hold the lancet and move the lancet to penetrate the skin of a patient, as recited in claim 63. Rather, Ayres describes “a needle point particularly suited for insertion through a container stopper that is not deflected to one side during penetration of the stopper.” (Ayres, Abstract.) Ayres does not describe a lancet holder arranged and configured to hold a lancet. Ayres also does not describe a lancet holder arranged and configured to move the lancet holder to penetrate the skin of a patient. Therefore, withdrawal of the rejection of claim 63 under 35 U.S.C. § 102(b) is requested.

iv. Dependent claims 2, 4-10, and 64-67

With this Amendment, new claim 67 is added.

Dependent claims 2, 4-10, and 64-67 ultimately depend from independent claims 1, 3, and 63, discussed above. Therefore, withdrawal of the rejection of claims 2, 4-10, and 64-67 is requested.

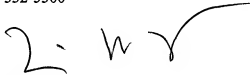
iv. Conclusion

In view of the foregoing, Applicant respectfully requests a Notice of Allowance. There may be additional reasons that the pending subject matter is patentably distinct from the cited references in addition to those specifically discussed herein. Applicant reserves the right to raise any such arguments in the future. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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Date: April 3, 2008



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